

In the Court of Appeals of the State of Alaska

FILED

NOV 01 2022

PELLATE COURTS
OF THE
STATE OF ALASKA

Darin Lee Jones,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. A-13609

Opposition to Entry of Judgment For Cost of Appointed Attorney

Date of Notice: 7/13/2022

RECEIVED

NOV 09 2022

PELLATE COURTS
OF THE
STATE OF ALASKA

I oppose the entry of the proposed judgment against me for the cost of appointed attorney for the following reason(s):

- ☐ My conviction was reversed on appeal.
- ☐ I filed the following type of action, but the clerk or court assessed the wrong amount for this action:

- ☐ Sentence Appeal
- ☐ Combined Merit Appeal and Petition for Sentence Review
- ☐ Petition for Sentence Review
- ☐ Petition for Hearing
- ☐ Merit Appeal
- ☐ Petition for Review
- ☐ Appeal from Post-Conviction Relief Proceeding
- ☐ Original Application
- ☐ Combined Merit and Sentence Appeal

- ☐ The clerk or court is proposing to enter more than one judgment against me. This is not correct because all of my offenses were resolved in one court proceeding.

- ☐ I should be assessed less than the scheduled amount because my attorney spent only ___ hours on my case. (If you check this box, you must attach a statement from your attorney showing the hours spent on your case.)

- ☒ Other I was not given a fair hearing from the court and have had another Attorney help me file a BRIVOLS PER

Appellant/Petitioner's Daytime Phone

Appellant/Petitioner's Signature

Appellant/Petitioner's Mailing Address

City

State

Zip

Mailed to State's Attorney on: 11-01-22 (Date)

REFUSED FOR FILING

This opposition is late filed. Judgment for \$1,500.00 has already been entered against you for the cost of your attorneys work on this appeal from the denial of a PCR. I've forwarded your 11/1/22 PCR application to the Anchorage Superior court.

REFUSED FOR FILING

Ryan Montgomery - State Chief Deputy Clerk

In the Court of Appeals of the State of Alaska

Darin Lee Jones,
Appellant,

v.

State of Alaska,
Appellee.

Court of Appeals No. A-13609

Notice of Intent to Enter Judgment For Cost of Appointed Attorney

Date of Notice: 7/13/2022

Trial Court Case No. 3AN-19-07086CI

Unless you or the prosecutor objects by 8/29/2022 (you may use the enclosed form to file an objection), the court or clerk will enter a judgment against you for the cost of your appointed attorney as indicated below:

Type of Appellate Proceeding	Misdemeanor	Felony
Merit Appeal or Appeal from Post-Conviction Relief Proceedings	750	1,500

Entered under Appellate Rule 209(b)(6).

Clerk of the Appellate Courts


Joyce Marsh, Deputy Clerk

cc: Darin Jones, #368043, Anchorage Correctional Complex, 1400 East 4th Avenue, Anchorage, AK 99501

Distribution:

Email:
Friedman, Elizabeth D., OPA - Contract
Grossman, Anderson

AT Anchorage

GRINOLS PCR

(Name of Applicant)

CASE NO. _____ CI _____

CERTIFICATION

I, Darin Jones, hereby apply for relief under Criminal Rule 35.1.

(Please type or print neatly. Also, if possible, please attach a copy of your judgment of conviction.)

The conviction (sentence) from which I seek relief is as follows:

1. Full original case number: 3AN-17-06325CR

Case name: Jones v. State
(plaintiff) (defendant)

2. Court which imposed sentence: ☐ District Court ☒ Superior Court

Court Location: Anchorage Name of Judge Marston

3. Date shown in clerk's certificate of distribution on the judgment: November 23, 2018

4. Date of sentencing and terms of sentence: November 19, 2018 - two years

Parole decision on February 11, 2019 with final time accounting issued after signing mandatory parole paperwork on March 1, 2019.

5. Crime or crimes of which I was convicted: Assault 3

6. I am now ☐ not in custody ☒ in custody at Anchorage Jail

7. Mailing address: 1400 East Fourth Avenue

8. The finding of guilty was made after a plea of

☒ guilty ☐ not guilty ☐ nolo contendere

9. Finding was made by ☐ a jury ☒ a judge

10. Name and address of my lawyer: Emily Cooper, 900 West Fifth Avenue, Suite 525, Anchorage,
AK 99501

☐ I was not represented by a lawyer.

11. Lawyer was ☐ employed by me ☒ appointed by the court

12. Did you appeal your conviction (or sentence)? No

13. If you answered "yes" to question No. 12 above, state the following:

a. The name of each court to which you appealed:

b. The result in each court to which you appealed and the date of such result:

c. Did a lawyer represent you on the appeal(s)? _____

State the name(s) and address(es) of your lawyer(s) on the appeal(s):

Lawyer was: ☐ employed by me ☐ appointed by the court

14. Have you filed a previous application for post conviction relief in this case? Yes

15. Did you seek any other review of or relief from this conviction or sentence (for example, by filing a motion to modify or correct the sentence, or a petition for habeas corpus or coram nobis in this court or any other state or federal court)? No

16. If you answered "yes" to No. 14 or No. 15, state the following:

a. Each ground for relief which you previously presented:

Sentence has expired, parole was unlawfully revoked, and he is otherwise being held

unlawfully in custody or other restraint.

b. The proceedings in which each ground was raised:

3AN-19-07086CI

c. The results of each proceeding and the date of such results:

State's motion for summary judgment granted on January 14, 2020.

Superior court's judgment affirmed by court of appeals in A-13609 on July 13, 2022.

d. The name and address of lawyers(s), if any, who represented you in these proceedings (separately for each proceeding)

3AN-19-07086CI - David Seid, Alaska Public Defender Agency, PO Box 110216, Juneau, AK 99801

A-13609 - Elizabeth D. Friedman, 1555 NE 3d Street, Suite B-4406, Prineville, OR 97754

e. Lawyer was ☐ employed by me ☒ appointed by the court

PART B

I believe I have grounds for relief from the conviction and sentence described in Part A.

1. My grounds for relief are as follows: (State which parts of Criminal Rule 35.1(a) you believe apply to your case.) _____

This is a Grinols PCR of the PCR filed in 3AN-19-07086CI. I received ineffective assistance of counsel
in that PCR.

2. The facts which support each of the grounds set out above are: (List in the same order as set out in paragraph 1.) _____

My lawyers provided ineffective assistance by failing to challenge DOC's failure to release me on

parole after I signed my mandatory parole paperwork, by failing to challenge the parole board's
imposition of 600 days of time despite the fact that I was not released for that period of time,

and failed to challenge DOC's improper crediting of the time I have served, resulting in my

unlawful incarceration.

3. I have personal knowledge of the following facts among those listed in paragraph 2:
(False statements with regard to facts stated upon your personal knowledge are
subject to the penalties for perjury.) _____

I have personal knowledge of the time I have served and when my release dates were., and I have

personal knowledge of the conversations I had with my lawyers when I filed my previous PCR.

4. What evidence, other than your own statements, do you have to prove the facts you
stated in paragraph 2 above? (You must attach all affidavits, records or other
evidence supporting your allegations, or state why they are not attached.) _____

DOC has information regarding their internal time accounting records.

PART C

(Fill out this section only if you claim that you are indigent. You must attach a sworn Financial Statement on form CR-206. Note: AS 18.85.100(c) limits the appointment of counsel in post conviction relief proceedings.)

☒ I request that the filing fee be partially waived for this application. I am attaching:

1. a filled out CIV-670 PRISONER REQUEST FOR FILING FEE EXEMPTION;
2. a filled out CR-206 FINANCIAL STATEMENT; and
3. a certified copy of my prisoner account statement for the past six months from the Department of Corrections (DOC).

☒ I request that the court appoint an attorney to represent me in this proceeding because I cannot afford to pay for one. I understand that:

1. I must attach a filled out CR-206 FINANCIAL STATEMENT to this application.

I must provide to the court all financial information requested by the court so the court can decide if I qualify for an appointed attorney. This information may be made available to the Attorney General after the conclusion of this proceeding. If I give false information, it may be used to prosecute me for perjury.

2. If my financial situation changes and I do not report this to the court, the law requires my appointed attorney to do so.
3. If my application for post conviction relief is denied, the court will enter a judgment against me which will require me to pay part of the cost of my appointed attorney. In most cases the court will use the schedule shown below to determine the amount I will be required to pay. However, in unusual circumstances, the court may enter judgment against me for more or less than the scheduled amount. After the judgment is entered, I may request the court to reduce the amount of the judgment if payment would cause manifest hardship to me or my family.

Schedule of Costs for Court-Appointed Counsel

Offense of Which Applicant Was Convicted			
Misdemeanor	Class B or C Felony	Class A or Unclassified Felony	Murder in the 1st or 2nd Degree
\$250	\$250	\$500	\$750

* Pamphlet CR-204 explaining the benefits and costs of court-appointed counsel is available from the court.

GENERAL WAIVER

If I have requested a court-appointed attorney, I authorize anyone to release to the Alaska Court System all information concerning my assets, liabilities, account balances and any income source I have had for the past three years. This includes but is not limited to all current and past employers, banks, credit and depository institutions, accountants, brokers and credit bureaus.

VERIFICATION

I, Drew Jones, say on oath or affirm that I have read all parts of the foregoing document and believe all statements made in the document are true. I understand that false statements in this application may subject me to prosecution for perjury.

Do not sign until in the presence of a notary or court clerk.

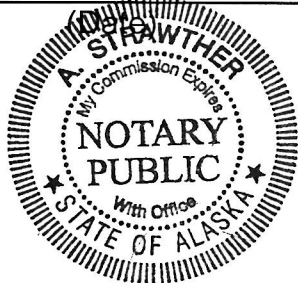
11-01-22
Date

[Signature]
Signature of Applicant

1400 E 4th Ave
Address
Anchorage, AK 99501

Subscribed and sworn to or affirmed before me at Anchorage, Alaska.
on November 1st 2022.

(SEAL)



[Signature]
Clerk of Court, Notary Public, or other
person authorized to administer oaths.
My commission expires: 11/01/23

I certify that on _____,
a copy of this application was sent to the District
Attorney at _____, Alaska.

Clerk: _____

Expedited Consideration

Under Criminal Rule 35.1(i), you may move for expedited consideration of this application. Your motion must comply with Civil Rule 77(g).